



TO ALL LAFAYETTE BUSINESS OWNERS

Americans with Disabilities Act (ADA)



WHAT YOU NEED TO KNOW TO STAY IN BUSINESS!

Why is ADA Compliance Critical to Your Business?

Passed by Congress in 1990, the ADA is the nation's first comprehensive civil rights law addressing the needs of individuals with disabilities, prohibiting discrimination in employment, public services, public accommodations, and telecommunications. The Act requires government entities, businesses and nonprofits to ***provide goods, services and programs to people with disabilities on an equal basis with the rest of the public.***

How Can this Brochure Help Your Business?

The Lafayette Chamber supports ADA's intent to protect the civil right of access for those with disabilities. ***We encourage all businesses to make every effort to comply with ADA regulations.***

However, we want to alert businesses that ADA non-compliance lawsuits have risen dramatically nationwide. A lawsuit can be filed for ADA non-compliance by a customer or outside observer without advance notice to the business. To challenge the lawsuit is often financially prohibitive, so small businesses may settle at a cost too high to remain open. ***More than one Lafayette business has had to close their doors as a result.***

What Does This Brochure Offer You?

This brochure's intent is to help educate our members and other local businesses about ADA requirements and encourage businesses and nonprofits to review their premises regarding compliance. The following Highlights Summary is a short-hand introduction to an 80-page document titled ***ADA Checklist for Existing Facilities***, a user-friendly workbook that lays out in detail the 2010 ADA Standards for Accessible Design for every element of an office or building.

The Highlights Summary offers a starting point to evaluate your place of business in terms of ADA compliance. For an in-depth analysis, we invite members to pick up a copy of the ***Checklist*** in the Chamber office or go to www.ADA.checklist.org.

The Americans with Disabilities Act is a complex civil rights law. Please take advantage of this opportunity to familiarize yourself with ADA requirements. Not knowing or ignoring the law can have a costly outcome that reasonable planning can avoid.

The Chamber serves as the Go To Resource for businesses, so for questions or more information, please contact the Chamber office at (925) 284-7404.

June 27, 2018 - CCDA Checklist Committee Meeting - Support Document



ADA Checklist for Existing Facilities Highlights Summary

Intent of ADA: To ensure that “people with disabilities are on an equal basis with the rest of the public.” It is important to note that it is a civil rights law, not a building code.

Compliance: A place of “public accommodation” (defined below) must “remove architectural barriers when it is ‘readily achievable’... easily accomplishable and able to be carried out without much difficulty or expense.” This means that all buildings, regardless of whether or not they are being remodeled, should make every “readily achievable” effort to be in compliance or find alternative access options. Reasonableness of expense relates to the financial capacity of a business.

ADA Standards for Accessible Design

- The ADA has no “grandfathering” provisions. It requires that, as of January 26, 1992, existing facilities begin the process of “readily-achievable barrier removal,” and the barrier removal process should be ongoing.
- Structures built or altered before March 15, 2012 must comply with 1991 ADA standards.
Structures built or altered after March 15, 2012 must comply with 2010 Standards.
- Landlord who leases space to tenant and tenant both have responsibility to remove barriers.
**Note: Terms of a lease do not relieve landlord of compliance obligations.*

What are “Public Accommodations?”

- Facilities whose operations affect commerce and fall within at least one of these categories:

- 1- Lodgings
- 2- Food/drink service
- 3- Places of exhibition/entertainment (e.g., theaters, stadiums, concert halls)
- 4- Gathering places (e.g., auditoriums, meeting/lecture centers)
- 5- Sales/rentals businesses (e.g., grocery/bakery/rental stores, shopping centers)
- 6- Service establishments (e.g., health services, offices, banks, beauty services, gas stations)
- 7- Public transportation terminals
- 8- Places of public display (e.g., museums, libraries)
- 9- Recreation facilities (e.g., zoo, parks, gyms, spas)
- 10- Education facilities
- 11- Social service centers

Priorities for Accessibility

While all accessibility requirements are important, the Department of Justice ADA Title III regulations list the following priorities for compliance:

- 1- Accessible approach and entrance
- 2- Access to goods and services
- 3- Access to public restrooms
- 4- Access to other items such as drinking fountains/public telephones

PRIORITY 1: Accessible Approach and Entrance - Checklist Highlights

- ☐ Arrival points, such as drop-off areas and sidewalks, must be handicap compliant (see **Checklist** for details).
- ☐ Accessible entrance (min. 32" wide) requires accessible (min. 36" wide) pathway and must be open same hours; at inaccessible entrances, signs must direct people to the accessible entrance.
 - * Note: If applicable, check rules for sloped entrances/ramps/handrail in **Checklist** workbook*
 - * Note: If all entrances are handicap accessible, no signage is necessary; if some entrance points are not, those that are require “handicap accessible” signage.*

- ☐ Vertical threshold may be no more than 1/4" high or no more than 1/2" with top 1/4" beveled or, if installed pre-1991, no more than 3/4" high with top 1/2" beveled at complaint angle.
- ☐ Door hardware must be easily operable with one hand at height of 34" – 48" above floor, at least 5 seconds are required for door to close from 90 degrees open.
- ☐ Carpets/mats may be no thicker than 1/2".
- ☐ Required number of accessible parking spaces:
 - * For 1-25 parking spaces, min. 1 accessible space is required.
 - * Space must be Van Accessible (11' wide with 5' access aisle or 8' wide, 8' aisle).
 - * In larger lots, for every 6 accessible spaces, at least 1 should be van accessible with signage so indicating.
 - * Handicap spaces that aren't van accessible may be 8' wide with 5' wide access aisle.
 - * Handicap parking signage requires bottom of sign at least 60" above ground.

PRIORITY 2: Access to Goods & Services – Checklist Highlights

- ☐ Interior access routes to all public spaces must be at least 36" wide with no object protruding more than 4" into path (see **Checklist** if access is sloped or has ramp/handrails/elevators).
- ☐ Check to learn if special signage is required for visually impaired.
- ☐ Interior doors must be min. 32" wide, 18" maneuvering clearance beyond latch side plus min. 60" clear depth.
- ☐ Interior thresholds, door hardware, door closer have same requirements as entrance (see above).
- ☐ Carpet can be no higher than 1/2".
- ☐ Light switches and intercom systems/emergency alarms must be operable with one hand and max. 48" above floor.
- ☐ Work surfaces must be min. 28" – max. 34" above floor and handicap accessible, knee space should be min. 27" high, 30" wide.
- ☐ Sales/service counter surface should be max. 36" above floor, min. 36" long; for forward or parallel approach, clear floor space should be min. 30" wide by min. 48" long; knee space under counter must be 27" from floor, 17" – 25" deep.
- ☐ Reception area must accommodate min. 1 wheelchair space 36" wide x 48" long.

PRIORITY 3: Restrooms – Checklist Highlights

- ☐ If restrooms are not available to public, signage so indicating is an option but not required.
 - *Note: If anyone's request to use the restroom is granted, the restrooms are now considered public and must be handicap compliant.
- ☐ If restrooms are available to public, the path to restroom must be 36" wide to meet accessibility standards and at least one must be handicap accessible; signage for the latter should be in format usable for visually impaired and at least 48" above floor.
- ☐ Door opening must be min. 32" wide and open 90 degrees with 18" maneuvering clearance.
- ☐ Threshold, hardware, easy one-hand opening, and 5-second closure compliance is same as exterior entrance (see above). See **Checklist** for details.
- ☐ Path to lavatory, hand dryer, etc. must be 36" wide and min. 60" turnaround space.
- ☐ Single-user restroom floor space should be min. 30"x 48" beyond swing of door.
- ☐ Individual compartments should be 60" deep/wide; handles on both sides of door must be operable with 1 hand, 34" – 48" above floor.
- ☐ Accessories: bottom of mirror should be max. 40" above floor and coat hook should be min. 15" – max. 48" above floor; faucet/towel dispenser/flush control must be operable with one hand and little effort; soap dispenser and hand dryer should be accessible at compliant heights/depths. See **Checklist** for details.
- ☐ Toilet paper dispenser must be 7" – 9" in front of toilet and min. 15" – max. 48" above floor.
- ☐ Side grab bar should be min. 42" long, max. 12" from rear wall, extend min. 54", and min. 33" – max. 36" above floor. Rear wall grab bar must be min. 36" wide, 33" – 36" above floor.
- ☐ Lavatory/counter should extend min. 17" – max. 25" from wall, min. 27" from floor, min. 8" knee space.
- ☐ Toilet compliance is min. 17" – max. 19" above floor, min. 16" – max. 18" from side wall with 56" by 60" min. turnaround space.

PRIORITY 4: Additional Access – Checklist Highlights

- ☐ Drinking fountain clear floor space should be min. 30" wide x min. 48" deep, operable parts at compliant heights (see **Checklist**) and usable with one hand.
- ☐ Public telephone clear floor space is same as above, operable part can be max. 48" above floor; check TTY requirements if applicable.
- ☐ Fire alarm should be visible and audible.

LOCAL EXPERTS YOU CAN CALL ON

Sandra Bonderud, Bonderud Design, (925) 386-0331 sandra@bonderud.com

Dawn Anderson, AIA, California Access Specialist #CASp – 050, (833) PRO-CASP

As It Stands, www.asitstands.com, (408) 422-6155

Steve Arnold, CASp #215, (707) 246-1415, <http://accesscompliancesurvey.com>

Pacific ADA Center in Oakland, (510) 285-5600

REFERENCE SITES

www.ada.gov

ADA Title III Technical Assistance Manual <https://www.ada.gov/taman3.html>

ADA Guide for Small Business www.ada.gov/smbustxt.htm

Maintaining Accessible Features in Retail Establishments (PDF 2009)

ADA Information Services <https://www.ada.gov/agency.htm>

Ten Small Business Mistakes http://streaming.simworld.com/ada/movies/10small_cap_dsl.mov

60 Minutes December 4, 2016 on "drive-by lawsuits"



LAFAYETTE
CHAMBER

251 Lafayette Circle, Suite 150
Lafayette, CA 94549
925.284.7404
www.lafayettechamber.org



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